

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

**JANE DOE, Special Administrator
of the Estate of John Doe,**

Plaintiff,

v.

UNITED STATES of AMERICA,

Defendant.

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Civil No. **07-395-JPG**

ORDER

PROUD, Magistrate Judge:

This matter is before the court for purposes of docket control.

Plaintiff has filed suit under a fictitious name without having obtained leave to do so.

This is problematic for two reasons. First, judicial proceedings are generally open to the public.

“The use of fictitious names is disfavored, and the judge has an independent duty to determine whether exceptional circumstances justify such a departure from the normal method of proceeding in federal courts.” *Doe v. Blue Cross & Blue Shield United of Wisconsin*, 112 F.3d 869, 872 (7th Cir. 1997). The presumption that a party’s name is public information must be rebutted by showing that the harm of identification outweighs the harm of anonymity. *Doe v. City of Chicago*, 360 F.3d 667, 669- 670 (7th Cir. 2004). Secondly, the judges assigned to this case are unable to assess potential conflicts of interest without knowing the identities of the parties.

In addition, plaintiff has designated her case as “sealed.” Again, because of the public nature of the courts, parties may not take it upon themselves to “seal” court files. See, *Citizens*

First National Bank of Princeton v. Cincinnati Insurance Co., 178 F.3d 943 (7th Cir. 1999), and *Union Oil Company of California v. Leavell*, 220 F.3d 562 (7th Cir. 2000).

The Court therefore orders that, on or before **September 7, 2008**, plaintiff shall (1) file a motion seeking leave to proceed under a fictitious name, and (2) direct a letter to the chambers of the undersigned which sets forth the names of plaintiff and decedent. In addition, if plaintiff believes that there are grounds to seal the court file in addition to permitting her to proceed under a fictitious name, she shall also file a motion for protective order on or before **September 7, 2008**.

IT IS SO ORDERED.

DATE: August 27, 2007.

s/ Clifford J. Proud
CLIFFORD J. PROUD
U.S. MAGISTRATE JUDGE